

ELECTRONIC FILING

United States Bankruptcy Court for the Northern District of West Virginia

L. Edward Friend II, Judge
Michael D. Sturm, Clerk

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United States Bankruptcy Court for the Southern District of West Virginia

Ronald G. Pearson, Judge
Samuel L. Kay, Clerk

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How does CM / ECF differ from the current electronic docketing system ?

CM/ECF is a Web-based docket system that may be accessed by attorneys 24 hours a day, seven days a week. Attorneys and trustees may file and docket pleadings and file cases in CM/ECF at their own convenience. In contrast, the current electronic system only allows court personnel to open and docket cases in the Clerk's Office. In essence, CM/ECF is much more flexible and cost effective, and provides benefits to both the court and the legal community.

If I don't have the required equipment, how will I file a case and file pleadings ?

The court will continue to accept paper filings as in the past. In addition, the Clerk's Office will have a "Scanning Station" in the intake area which will serve those who would like to file electronically but who do not have the proper equipment at their office. Of course, like all "progress", at some point electronic filing by lawyers may be required.

What kind of training will be offered ?

Court staff have undergone training on a variety of aspects of CM/ECF. Once the system is tested and up and running, training in basic use of the system will be offered to attorneys and bankruptcy trustees. We will provide as much training as our resources will allow.

What are the costs associated with electronic filing ?

At this time there are no additional costs associated with the electronic filing model which we are installing. As with the current PACER system, there will be fees associated with running and printing reports. PACER accounts may be obtained at: <http://pacer.psc.uscourts.gov> or by calling 1.800.676.6856

How will lawyers get help in installing and using the new Electronic Filing System?

This is a good question. To as great an extent as possible, the staff of the bankruptcy courts will help you with your transition to electronic filing. We will offer basic classes for small groups in your area, and will try to assist you on an on-going basis although we have limited staff for this purpose. A committee of lawyers is being formed to address this essential area and propose some solutions. Key personnel in the bankruptcy courts will include:

NORTHERN DISTRICT

Marcie Kacsmar, Chris Warsinsky, and Chris Daniel, and they can be reached at:
304.233.1655

SOUTHERN DISTRICT

Sam Kay, Gloria Bailey and Rudy O'Dell, and they can be reached at:
304.347.3000

What is electronic case filing ?

The U.S. Bankruptcy Courts in both federal judicial districts in West Virginia are now installing a new electronic case management and case filing system which typifies the way all business will soon be done in all state and federal courts. Our system, dubbed "CM/ECF" (Case Management / Electronic Case Filing), is within months of being ready to implement.

Electronic Case Filing is a means for lawyers to create legal documents on their office computers, convert those documents from ordinary word processing text to an image or digital text, and finally submit the document to the clerk's office for filing over the Internet.

The ECF portion of the system is easy to use and allows a lawyer to send, and a court to store, retrieve and review case documents in a reliable and secure electronic format. The overall system can also offer the following benefits:

- , Twenty-four hour access to case files from any location (bench, chambers, home, divisional offices, etc.) over the DCN (Data Communications Network of the federal courts) or Internet
- , Remote document filing
- , Docketing as a by-product of electronic filing
- , Concurrent access to files
- , Immediate e-mail notification of case activity to parties and court staff
- , Reduced need for physical file space
- , Easy public access
- , Secure storage of documents (so files are not misplaced)
- , Court flexibility to choose when and how to use the ECF capabilities
- , Continued use of paper if desired
- , Reduced paper, postage, courier costs
- , Printing copies of pleadings at your office
- , Ability to generate reports

, Future ability to view archived files without waiting for retrieval from the FRC

What are electronic files ?

Quite simply, electronic files are collections of legal documents which are stored in an electronic format rather than on paper. These documents can be created electronically in the law office by use of your word processor, or paper documents can be converted to electronic documents by scanning. No matter how the document is turned into an electronic record, at some point before "filing", the document must be converted to a format called "Portable Document Format" or "PDF". When converted to PDF format, it cannot be changed or manipulated by anyone - not the clerk's office, a judge, or your opponent.

Hardware Requirements

In order to be able to participate in electronic filing with this court, you must have Internet access and a computer and peripherals which as follows:

32MB of memory - able to run a typical browser;

Internet access of at least 56 k. High speed connections such as DSL will improve performance. (CM/ECF does not work with AOL.)

Scanner

Software which includes Windows 95 or higher (or a MAC), Netscape Navigator v.4.73 or higher.

Internet browser configured with 128 bit

encryption, Java Script enabled, and session cookies enabled. The system has been certified with Netscape Navigator 4.7 and Microsoft Internet Explorer 5.0 or higher.

PDF compatible word processor (e.g., WordPerfect, Word, MAC) or Adobe Acrobat Writer Adobe Acrobat Reader

Software Vendors

The following bankruptcy software vendors have designed systems for electronic filing - like conversion of your petition and schedules to pdf format and submission of the petition and schedules electronically:

- * New Hope Software - Bankruptcy 2001
- * SeaView Software - Fresh\$art
- * Puritas Springs - WBANK3
- * BestCase Solutions - BestCase
- * Matthew Bender - Collier TopForm
- * Zimmerman & Mohr-EZ Filing
- * BK Tools

Maybe also:

- * Cornerstone-Computing - Bankruptcy Plus
- * West - Chap 7 ...13
- * MultiMedia Abacus - Bankruptcy Esq.

When will CM/ECF be available?

We anticipate that this system will be in use by U.S. Bankruptcy Courts in Northern and Southern West Virginia in early 2003 and will be offered to lawyers by Spring of 2003.